

**BOISE, FRIDAY, AUGUST 24, 2012 AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

**IDAHO WOOL GROWERS )  
ASSOCIATION, INC., an Idaho corporation, )  
individually and on behalf of its members; )  
FRANK SHIRTS, JR., individually and as a )  
member of the Idaho Wool Growers )  
Association; RONALD W. SHIRTS; LESLIE )  
SHIRTS; JOHN T. SHIRTS, individually and )  
dba SHIRTS BROTHERS SHEEP and as )  
members of the IDAHO WOOL GROWERS )  
ASSOCIATION, )**

**Plaintiffs-Appellants,**

**v.**

**STATE OF IDAHO; IDAHO FISH & GAME )  
COMMISSION; IDAHO DEPARTMENT )  
OF FISH & GAME; CAL GROEN, Director )  
of the IDAHO DEPARTMENT OF FISH & )  
GAME, )**

**Defendants-Respondents.**

**Docket No. 38743**

Appeal from the District Court of the Third Judicial District, State of Idaho,  
Adams County. The Honorable Bradley S. Ford, District Judge.

Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., Boise, for appellants.

Lawrence G. Wasden, Attorney General, Boise, for respondents.

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The Idaho Wool Growers Association and several of its members brought suit against the State of Idaho, claiming that the State had failed to protect domestic sheep operators from having their grazing allotments curtailed by the United States Forest Service. The curtailment of the allotments was designed to accommodate the reintroduction of Big Horn Sheep in the Hells Canyon area. In their complaint, the Wool Growers alleged that the State was obligated to redress damage caused to domestic sheep operations by virtue of the reintroduction. The Wool Growers based this claim for relief upon a letter sent to them in 1997, in which the Idaho Fish and Game Department allegedly promised to protect the Wool Growers against loss, and a statute allegedly

obligating the State to protect the Wool Growers from loss. The district court dismissed the Wool Growers' complaint for failure to state a claim upon which relief can be granted, and the Wool Growers now appeal that dismissal to the Idaho Supreme Court.

**BOISE, FRIDAY, AUGUST 24, 2012 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>KYLE ATHAY,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>RICH COUNTY, UTAH,</b>	)	
	)	
<b>Defendant-Appellant,</b>	)	<b>Docket No. 38683</b>
	)	
<b>and</b>	)	
	)	
<b>DALE M. STACY; CHAD L. LUDWIG;</b>	)	
<b>GREGG ATHAY; BRENT R. BUNN; BEAR</b>	)	
<b>LAKE COUNTY, IDAHO,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bear Lake County. Hon. Mitchell W. Brown, District Judge.

Pike, Herndon, Stosich & Johnston, Salt Lake City, UT for appellant.

Craig R. Jorgensen, Soda Springs, for respondent.

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This case comes before this Court on an appeal from several district court rulings in an ongoing dispute between Kyle Athay (Athay) and Rich County, Utah (Rich County). Athay was injured in a motor vehicle collision with Daryl Ervin (Ervin), who was fleeing police pursuit. Subsequently, Athay filed a civil suit against the pursuing law enforcement officers from Bear Lake County, Idaho and Rich County. This Court previously heard argument on this case in *Athay v. Stacey*, 142 Idaho 360, 128 P.3d 897 (2005) (“*Athay I*”), and in *Athay v. Stacey*, 146 Idaho 407, 196 P.3d 325, (2008) (“*Athay II*”).

After *Athay II*, a jury trial commenced with Rich County as the sole remaining defendant. The jury returned a special verdict for Athay and awarded him \$2,720,126.00 in economic damages and \$1,000,000 in non-economic damages. The jury found that Ervin was 70% responsible for Athay’s injuries, and that Rich County was responsible for the remaining 30%.

On appeal, Rich County argues that the district court made multiple errors: that the district court abused its discretion when it declined to disqualify the presiding judge for the limited purpose of deciding Rich County's First Motion for a New Trial; that the district court erred by denying Rich County's first and second motions for new trial; and that the district court erred when it denied Rich County's Motion for Judgment Notwithstanding the Verdict.

**BOISE, FRIDAY, AUGUST 24, 2012 AT 11:10 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>PACIFICORP,</b>	)	
	)	
<b>Petitioner-Respondent,</b>	)	
	)	<b>Docket No. 38307</b>
<b>v.</b>	)	
	)	
<b>IDAHO STATE TAX COMMISSION,</b>	)	
	)	
<b>Respondent-Appellant.</b>	)	
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho,  
Ada County. Hon. George D. Carey, District Judge,

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for appellant.

Wood Jenkins LLC and Crapo Smith PLLC, Salt Lake City, Utah, for  
respondents.

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The Idaho State Tax Commission appeals the Judgment of the district court, holding that PacifiCorp, an Oregon corporation, proved by a preponderance of the evidence that the Commission's valuation of its taxable operating property in Idaho was erroneous pursuant to I.C. § 63-409(2). The Commission contends that the district court's decision is not supported by substantial and competent evidence because the appraisal methodologies utilized by PacifiCorp's appraiser are unreliable.